

Application No.: 10/774,329

Docket No.: 00152-00267-US

REMARKS:

This application has been carefully studied and amended in view of the Office Action dated June 14, 2006. Reconsideration of that action is requested in view of the following.

The allowance of claim 18 and the indication of allowability of claims 3-8 is noted with appreciation. Claims 3, 5, 6 and 7 have been now written in independent form. It is noted that in placing claim 6 in independent form, the reference to "containing said partially open immersible container" in lines 1-2 of claim 6 have been canceled since that feature had already been recited in parent claim 1 which is now incorporated in independent claim 6.

Rejected claims 1-2, 9-17 and 19 have been canceled to advance the prosecution of this case. Claims 20-32 have been added to complete the claim coverage.

There are now a total of 20 claims, including 8 independent claims. The Commissioner is authorized to charge Deposit Account No. 03-2775 with regard to the number of independent claims in excess of three.

Claims 29-32 have been added which are dependent on allowable claims 3, 5, 6 and 7. These claims should be allowed for their dependency on the allowable claims. These claims relate to the feature of the container being manually removable from the liquid. As a result any coffee grounds, tea leaves, etc. in the container could be moved out of contact with the liquid at the desired time after the food material has been sufficiently extracted.

Application No.: 10/774,329

Docket No.: 00152-00267-US

Claims 20-28 have been drafted to take into account features in the allowable claims. The claims are also based upon the following advantageous features of the invention in its various practices which include:

- a. A container for the coffee, etc. that has adjustable shutters to vary the flow of liquid or vapor in and out of the container.
- b. Holding the "open" container above the liquid so as to "steam" the coffee grinds or tea leaves, while the liquid is being heated to the brewing temperature or being held at a preset temperature near boiling.
- c. The "rate of rise" technique to establish the boiling point of the liquid.
- d. Novel electrical circuits to either apply full power to the heater – using a relay – or to use a triac, pulse-width modulation technique to obtain exactly the necessary power level to hold the temperature at a set point.

Claim 20 relates to the adjustable opening concepts similar to the adjustable shutter feature of allowable claim 6. Claim 21 includes reference to absorption of the vapor by the extractable food while the liquid is being heated. Claim 22 relates to various control features. Claims 23-27 are dependent on claim 22. Claim 28 relates to using the "rate in rise" of temperature when heating as a way of establishing and storing the boiling point of the liquid. This is a technique which apparently has not been used in kettles or other appliances and allows the kettle to establish and hold the temperature just below the boiling point.

It is respectfully submitted that newly added claims 20-28 are patentable over the prior art and particularly over Cohn and Husted.

Application No.: 10/774,329

Docket No.: 00152-00267-US

Cohn relates to a coffee maker device that includes a porous "plunger" (basket) containing coffee that is mechanically forced through the body of water in a coffee pot container. It uses a motor means to move the "plunger" down after the water is heated to the correct temperature. The "plunger" is driven to the bottom of the container filled with the heated water. When the plunger has reached the bottom of the container, the coffee is made and can be poured. (Column 3, lines 48-49). An o-ring is incorporated on the circumference of the "plunger" (basket) in order that it be in "sealing engagement with the side walls of the container). The speed of the "plunger" decent can be adjusted. The design (Claim 1) claims the movement of the plunger is "from end to end" of the water container.

Husted relates to a coffee maker that generally steeps the coffee immersed in warm (not hot) water. The steeping time is adjustable but commonly is many hours. Water is added to the kettle. Coffee is placed in a basket which is open at its top to allow the coffee to float freely at the water surface when the basket is inserted into the kettle. The temperature of water is automatically set at an optimum temperature related to the specific steeping time selected by the user. When the steeping time terminates, the operator or a solenoid activates a lever mechanism to release a spring that drives the basket up thru and out of the water. The basket collects the coffee grounds as it rises up thru the water in the kettle. The grounds are lifted out of the water by the basket which then rests under the lid of the kettle. The steeped coffee beverage is then heated to a good drinking temperature and held there for 2 hours or until poured. The Husted invention relies on a spring or a releasable lifting mechanism to push the basket up and thru the water at the end of the steeping and heating cycle.


Application No.: 10/774,329

Docket No.: 00152-00267-US

In view of the above remarks and amendments this application should be passed to issue.

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Respectfully submitted,

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